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Magistrate Judge James P. Donohue

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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS MAHONEY,

Defendant.

NO.

MJ18-130

COMPLAINT for VIOLATION

Title 18, United States Code,
Sections 2252(a)(4)(B); 2252(b)(2); and
2423(b)

BEFORE the Honorable James P. Donohue, United States Magistrate Judge,
United States Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Travel with Intent to Engage in a Sexual Act with a Minor)

On or about November 29, 2016, in the Western District of Washington, and elsewhere, the defendant, THOMAS MAHONEY, did knowingly travel in interstate commerce, to wit from Seattle, Washington, to the State of California, for the purpose of engaging in illicit sexual conduct, that is, a sexual act, as that term is defined in 18 U.S.C. § 2246, with a person under the age of eighteen, namely MV, which sexual act would constitute a violation of Title 18, United States Code, Chapter 109A.

All in violation of Title 18, United States Code, Section 2423(b).

COMPLAINT/THOMAS MAHONEY - 1
USAO #2017R01193

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5200
SEATTLE, WASHINGTON 98101
(206) 553-7970

COUNT 2

(Travel with Intent to Engage in a Sexual Act with a Minor)

On or about May 15, 2017, in the Western District of Washington, and elsewhere, the defendant, THOMAS MAHONEY, did knowingly travel in interstate commerce, to wit from Seattle, Washington, to the State of California, for the purpose of engaging in illicit sexual conduct, that is, a sexual act, as that term is defined in 18 U.S.C. § 2246, with a person under the age of eighteen, namely MV, which sexual act would constitute a violation of Title 18, United States Code, Chapter 109A.

All in violation of Title 18, United States Code, Section 2423(b).

COUNT 3

(Travel with Intent to Engage in a Sexual Act with a Minor)

On or about August 31, 2017, in the Western District of Washington, and elsewhere, the defendant, THOMAS MAHONEY, did knowingly travel in interstate commerce, to wit from Seattle, Washington, to the State of California, for the purpose of engaging in illicit sexual conduct, that is, a sexual act, as that term is defined in 18 U.S.C. § 2246, with a person under the age of eighteen, namely MV, which sexual act would constitute a violation of Title 18, United States Code, Chapter 109A.

All in violation of Title 18, United States Code, Section 2423(b).

COUNT 4

(Production of Child Pornography)

On or about March 25, 2017, in Seattle, within the Western District of Washington and elsewhere, the defendant, THOMAS MAHONEY did employ, use, persuade, induce, entice, and coerce any minor, to wit MV, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including computer; and the visual depiction was transported using any means and facility of interstate and foreign commerce.

All in violation of Title 18 United States Code, Section 2251(a).

1 And the Complainant states that this Complaint is based on the following information:
2 I, Jayme McFarland, being first duly sworn on oath, depose and say:

3 **I. INTRODUCTION**

4 1. I am a Special Agent with the U.S. Department of Homeland Security (DHS),
5 Homeland Security Investigations (HSI), assigned to the Seattle, Washington field office. I
6 have been a Special Agent with HSI since 2010. I completed the Criminal Investigator
7 Training Program and the HSI Special Agent Training Program located at the Federal Law
8 Enforcement Training Center in Glynco, Georgia. My training included courses in law
9 enforcement techniques, federal criminal statutes, conducting criminal investigations,
10 physical and electronic surveillance techniques, and the execution of search warrants. As
11 part of my duties as an HSI Criminal Investigator currently assigned to the child exploitation
12 unit, I investigate state and federal criminal violations relating to child exploitation and child
13 pornography including violations of Title 18, United States Code §§ 2251(a), 2252(a)(2),
14 2422, and 2423(b). I have received further training in the area of child pornography and
15 child exploitation (as defined in 18 U.S.C. § 2256(8) and RCW 9.68A) and have observed
16 and reviewed numerous examples of child pornography in numerous forms of media,
17 including media stored on digital media storage devices such as computers, tablets,
18 cellphones, etc. I have also participated in the execution of numerous search warrants
19 involving investigations of child exploitation and/or child pornography offenses. I am a
20 member of the Seattle Internet Crimes Against Children (ICAC) Task Force in the Western
21 District of Washington, and work with other federal, state, and local law enforcement
22 personnel in the investigation and prosecution of crimes involving the sexual exploitation of
23 children.

24 2. As further detailed below, based on my investigation and the investigation of
25 other law enforcement officers, I submit there is probable cause to believe that THOMAS
26 MAHONEY has committed the violations described above. In particular, the investigation
27 has uncovered substantial evidence that THOMAS MAHONEY possessed child
28 pornography on or before October 31, 2017, produced child pornography on or about March

25, May 17, September 2 and 4, 2017, and traveled with intent to engage in sexual conduct with a minor between November 2016 and September 5, 2017.

II. SUMMARY OF INVESTIGATION

3. On October 30, 2017, the Contra Costa County District Attorney's (CCFDA) Office received Cyber Report # 25163217 from the National Center for Missing and Exploited Children (NCMEC) generated by Facebook in response to several sexually explicit messages and nude photos being exchanged between an adult male identified as THOMAS MAHONEY and a minor victim (MV) via Facebook. MAHONEY is 24 years old. The Cyber Report included 99 files that were exchanged between MV and MAHONEY. Facebook provided the following account information of the User Being Reported:

Name: Thomas MAHONEY
 Date of Birth: XX/XX/1993
 Approximate Age: 24
 Email Address: flatearthertom@yahoo.com
 ESP User ID: 100010139534726
 Profile URL: <http://www.facebook.com/people/Thomas-Mahoney/100010139534726>
 IP Address: 50.35.92.133 (Login) 10/16/17 18:05:49 UTC
 Additional Information: 1-612-889-2662

4. Facebook also included an excerpt of a conversation dated February 18, 2017 which indicated MV and MAHONEY had met in person:

23:05:11 UTC MAHONEY	I like the picture from this morning
23:05:22 UTC	It's like what I see when I'm fucking you
23:05:46 UTC MV	Ya omg omg I wanted to see what it looks like so I
	took that picture with my legs up
23:06:05 UTC MAHONEY	My [MV] is so hot
23:07:01 UTC MV	I like that picture too tommy its cute
23:07:15 UTC MAHONEY	It's exactly what I see

5. Contra Costa County District Attorney Inspector Holcombe reviewed the cyber report and attached files and identifying information, and observed numerous photos of MV nude, partially clothed, images of MV masturbating, and engaged in sex acts with an adult male. Included with the files from Facebook was a photo of a California ID card which

1 Inspector Holcombe compared to the images of the MV and determined they were the same
2 person.

3 6. On October 30, 2017, Inspector Darryl Holcombe interviewed MV who
4 confirmed her date of birth (2002) and age of 15 years old. MV stated MAHONEY began
5 communicating with her via Facebook in May 2016 when she was 13. They were both
6 living in Seattle at the time. Shortly thereafter, MV reported meeting MAHONEY in person.
7 MV disclosed MAHONEY picked her up and took her to his house where they engaged in
8 sexual intercourse. MV moved with her family to California in September 2016. MV
9 reported continued communication with MAHONEY following her move to California.

10 7. MV disclosed that MAHONEY traveled to California on at least two occasions
11 to visit her and that the two engaged in sexual intercourse during each visit. MV reported
12 MAHONEY produced videos of MV and MAHONEY having sex. Inspector Holcombe
13 showed MV one of the photos reported by Facebook and MV identified herself in the photo.

14 8. On October 31, 2017, Inspector Holcombe contacted the Seattle ICAC for
15 further investigation into the allegations against MAHONEY. Seattle Police Department
16 Detective Elizabeth Litalien immediately applied for and obtained a King County Superior
17 Court search warrant. Judge Helen L. Halpert authorized the search of MAHONEY'S
18 residence and person. At approximately 5:45 PM, SPD Detectives and HSI Seattle Agents
19 executed the search warrant at MAHONEY's residence located at 2211 185th Place SE,
20 Bothell, Washington. Five electronic devices were seized from MAHONEY's residence
21 including MAHONEY's Samsung Galaxy S8 cellphone. MAHONEY was arrested for
22 violation of RCW 9A.44A.079, Rape of a Child Third Degree and RCW 9.68A.090
23 Communication with a Minor for Immoral Purposes and booked into Snohomish County Jail
24 where he remains.

25 9. On November 2, 2017, SPD Computer Forensic Analyst (CFA) Timothy
26 Luckie attempted to perform a data extraction of MAHONEY's Samsung Galaxy S8
27 cellphone. CFA Lucky received an error message when he attempted to connect power to the
28 cellphone indicating the charging port detected moisture and the phone could not be

1 connected. CFA Lucky and Detective Litalien performed a manual inspection of
2 MAHONEY's device and documented their findings using a GoPro recording device and
3 still photographs.

4 10. On November 8, 2017, MV participated in a forensic interview with Forensic
5 Interviewer, Pat Mori at the Children's Interview Center (CIC) in Martinez, California. MV
6 explained she was first contacted by MAHONEY via Facebook when she was twelve (12)
7 years old because they shared mutual Facebook friends. According to MV, she posted
8 comments frequently revealing her age. MV reported MAHONEY "friended" her on
9 Facebook when she was thirteen (13) years old.

10 11. MV disclosed meeting MAHONEY in person shortly after she turned fourteen
11 (14), when MAHONEY took her to his house in Bellevue, Washington. MV disclosed
12 having sexual intercourse with MAHONEY for first time on or about July, 2016 at his house
13 in Bellevue.

14 12. On another occasion, MV explained she spent three (3) days at MAHONEY's
15 house in Bellevue resulting in MV's mother filing a missing person's report. During this stay
16 at MAHONEY's house, MV disclosed MAHONEY supplied her with alcohol and the two
17 engaged in sexual and oral intercourse daily.

18 13. In September 2016, MV moved with her family to California. MV reported
19 remaining in contact with MAHONEY and or about October 26, 2016, MV reported visiting
20 Seattle with her mother. During that trip, MAHONEY picked MV up and took MV to his
21 house where the two engaged in sexual intercourse. MV disclosed MAHONEY called her his
22 "sex slave" and was mean to her and did not act like he cared about her.

23 14. MV stated she discovered she was pregnant shortly after she got back from
24 Seattle. MV disclosed MAHONEY "freaked out" when she told him and MAHONEY
25 instructed her not to tell anyone. MV disclosed that she obtained a pregnancy test which
26 confirmed she was in fact pregnant. MV kept this a secret per MAHONEY's instructions.

27 15. In December 2016, MV reported MAHONEY traveled to California and the
28 two stayed at the La Quinta Inn, in Dublin, California where they engaged in sexual

1 intercourse. MV disclosed MAHONEY told her he wanted to have sex with her before
2 traveling to California. MV reported MAHONEY instructed her to schedule an abortion on
3 the last day of his visit so that he could have sex with her all the other days he was there. MV
4 disclosed MAHONEY drove her to her abortion appointment and gave MV a total of \$7 for
5 the pain medication.

6 16. On November 21, 2017, Inspector Holcombe obtained a California Search
7 Warrant for MV's medical records pertaining to her abortion. The following is a summary of
8 the relevant documents produced by the provider:

9
10 Patient: [MV]

11 Appointment Date: 11/22/2016 12:30 PM

12 Location:

13 Visit Type: Office Visit

14 Option Counseling: adoption, abortion, parenting discussed

15 Office Orders this visit:

16 Lab Study: High Sensitivity Urine Pregnancy Test – Positive

17 Transvaginal Ultrasound

18 Primary Purpose: Pre MAB (Medical Abortion)

19 Patient: [MV]

20 Appointment Date: 12/06/2016 7:50 AM

21 CA 94520

22 Visit Type: Office Visit

23 Reason for Visit: IUC Insertion

24 Appropriate IUC candidate – Not Pregnant, status determined by –

25 Pregnancy terminated today

26 17. Law enforcement obtained the following documentation of MAHONEY's air
27 travel from Alaska Airlines:

28 Passenger Name: Thomas MAHONEY

Passenger Address: 10640 SE 16th St., Apt 3

Bellevue, WA 98004

Credit Card: Visa...3358
Passenger Email: suqatom@gmail.com
Passenger Phone: 862-505-7167

Flight Date/Time: November 29, 2016, 6:50 AM
Flight Number 222 SEA to SFO

Flight Date/Time: December 6, 2016, 11:05 PM
Flight Number 301 SFO to SEA

18. Law enforcement obtained the following documentation from La Quinta Inn pertaining to MAHONEY's lodging history:

Folio #: 156084
Name: Thomas MAHONEY
Arrival: November 29, 2016
Departure: December 6, 2016
Rate: \$179
Method of Payment: Visa ...3358
Email: suqatom@gmail.com
Phone: 862-505-7167

19. During the forensic interview, MV reported that she visited Seattle with her mom in February 2017. MV disclosed MAHONEY rented a room at the Motif Hotel in Seattle. According to MV, while visiting MAHONEY at the Motif Hotel, MAHONEY recorded her performing oral sex on him. MV disclosed MAHONEY later shared the videos with her via Facebook so they could watch them together while live chatting. During a manual inspection of MAHONEY's Samsung cellphone, Detective Litalien discovered two video files in his phone media gallery dated March 25, 2017. The GPS location data for both files place MAHONEY and MV in the vicinity of the Motif Hotel located on Fifth Avenue in Seattle, Washington. The following is the information associated with the files:

a. **File: 20170325_093102.mp4**
Date: March 25, 2017 9:22 AM
Location: 47.610001, -122.335999 (The Motif Hotel in Seattle)
Size: 140.94 MB
Path: /Internal storage/DCIM/Camera

1 Description: This video is 1:08 minutes in length and depicts MV fully
2 nude performing oral sex on an adult male. The male's hairy stomach is
3 visible on camera. The adult male repeatedly says MV's name.

4 **b. File: 20170325_093037.mp4**

5 Date: March 25, 2017 9:30 AM

6 Location: 47.610001, -122.335899 (The Motif Hotel in Seattle)

7 Size: 16.13 MB

8 Path: /Internal storage/DCIM/Camera

9 Description: This video is 07 seconds in length and depicts MV fully
10 nude and performing oral sex on a male not visible on screen besides his
11 penis.

12 20. During the forensic interview, MV disclosed that in May 2017 MAHONEY
13 traveled to California to have sex with her and again rented a room at the La Quinta Inn in
14 Dublin. MV reported MAHONEY told her he was excited to "fuck" her before traveling to
15 visit her. MV confirmed they had sexual intercourse in the hotel room. MV stated during this
16 trip, MAHONEY produced three videos of them having sex.

17 21. Law enforcement obtained the following documentation from the La Quinta
18 Inn pertaining to MAHONEY's lodging history:

19 Folio #: 163049

20 Name: Thomas MAHONEY

21 Arrival: May 15, 2017

22 Departure: May 21, 2017

23 Rate: \$209

24 Method of Payment: Visa ...3358

25 Email: suqatom@gmail.com

26 Phone: 862-505-7167

27 22. Law enforcement obtained the following documentation from Delta Airlines
28 pertaining to MAHONEY's air travel:

Ticket Number: 0068667604926

Passenger Name: Thomas MAHONEY

Passenger Email: suqatom@gmail.com

Passenger Phone: 862-505-7167

Ticket Price: \$193.20

1
2 Date of Travel: May 15, 2017, 11:15 AM
3 Flight Number 5756 SEA to SFO, Seat 15C

4 Date of Travel: May 21, 2017, 12:15 PM
5 Flight Number 4617 SFO to SEA, Seat 19B

6 23. During the manual inspection of MAHONEY's Samsung cellphone, Detective
7 Litalien discovered a picture of a "Purchase Confirmation" from Delta Airlines displaying
8 the following information which coincides with the documentation produced by Delta
9 Airlines:

10 Confirmation Number: GAC853
11 Name: Thomas Mahoney
12 Email: suqatom@gmail.com

13 24. Detective Litalien found a text message on MAHONEY's Samsung cellphone
14 from Monday, May 15, 2017 displaying MAHONEY'S Delta Flight Information with a link
15 to his boarding passes:

16 DL5756, SEA to SFO
17 11:15 AM Mon, May 15, 2017
18 Return Delta Flight information:
19 DL4617, SFO to SEA
20 12:15 PM Sun, May 21, 2017

21 25. Additionally, MAHONEY had a "pending trip" request in his Turo Mobile
22 Application displaying the following information:

23 Toyota Camry
24 Mon, May 15 2:30 PM – Sun, May 21, 2:30 PM
25 Location: Fremont, CA
26 Miles Included: 750 mi
27 Total Cost: \$226.20
28 Protection: Basic

1 26. During the manual inspection of MAHONEY's Samsung cellphone, four
 2 videos were discovered in Samsung picture gallery corresponding to the date, May 17, 2017.
 3 The following are descriptions of two of the videos:

4
 5 **File:** **20170517_161522.mp4**
 6 **Date:** May 17, 2017 4:15 PM
 7 **Location:** 37.706001, -121.907501 (Vicinity of the La Quinta Inn,
 Dublin California)
 8 **Size:** 25.77 MB
 9 **Path:** /Internal Storage/DCIM/Camera
 10 **Description:** this video recording is 12 seconds in length. The video
 11 depicts MV lying face down on a bed with white sheets. MV is nude. A
 12 male with a dark shirt is partly visible behind MV and is having sex
 with her. The male voice is recorded saying "You're only 14 [MV]" as
 he has sex with her.

13 **File:** **20170517_161312.mp4**
 14 **Date:** May 17, 2017, 4:13 PM
 15 **Location:** 37.706001, -121.907501 (Vicinity of the La Quinta Inn,
 Dublin California)
 16 **Size:** 8,905 MB
 17 **Path:** /Internal storage/DCIM/Camera
 18 **Description:** this video recording is 43 seconds in duration and depicts
 19 MV lying face down on a bed with white sheets. MV is fully nude. A
 20 male with a dark shirt is partly visible behind MV having sex with her.
 The male's right hand is grasping MV's right hip as he penetrates her.
 MV can be heard calling the adult male, "Tommy."

21 27. During the forensic interview, MV disclosed that in August 2017, MAHONEY
 22 traveled to California to meet her and engage in sexual intercourse. MV reported
 23 MAHONEY may have rented a room at the Marriott in San Ramon, California. MV reported
 24 MAHONEY informed her of his intentions to have sexual intercourse before he departed on
 25 his trip to California. MV confirmed having sexual intercourse with MAHONEY in his hotel
 26 room during that occasion. On this trip, MV disclosed that MAHONEY stated he wanted to
 27 get high with MV and videotape them having sex. MV disclosed that she had never smoked
 28

1 marijuana before. MV confirmed MAHONEY gave her marijuana and then produced videos
2 of the two engaging in sexual intercourse.

3 28. Law enforcement obtained the following documentation from Alaska Airlines
4 pertaining to MAHONEY's air travel:

5 Passenger Name: Thomas MAHONEY
6 Passenger DOB: XX/XX/1993
7 Passenger Address: 2211 185th PI SE
8 Bothell, WA 98012
9 Credit Card: Visa...3358

10 Flight Date/Time: August 31, 2017, 8:20 AM
11 Flight Number 302 SEA to SFO

12 Flight Date/Time: September 6, 2017, 8:00 AM
13 Flight Number 395 SFO to SEA

14 29. During the manual inspection of MAHONEY's Samsung cellphone, Detective
15 Litalien discovered a screenshot of MAHONEY's boarding pass for Alaska Flight Number
16 302 which corroborates the documentation produced by Alaska Airlines:

17 Alaska Airlines Flight Number 302
18 Name: Thomas Mahoney
19 Date: 8/31/17
20 SEA-SFO
21 Seat 16F
22 Boarding: 7:40 AM

23 30. Pursuant to the King County Superior Court search warrant, Detective Litalien
24 also captured messages from the TURO Mobile Application, confirming the start of
25 MAHONEY's vehicle rental on Thursday August 31, 2017 beginning at 10:00 AM and a
26 second confirmation that the trip had ended sent on September 5, 2017.

27 31. A screenshot displaying the 100 degree weather report in San Ramon,
28 California was also discovered in MAHONEY's Samsung photo gallery by Detective
Litalien. The image was captured Saturday, September 2, 2017 at 12:30 PM.

32. During Detective Litalian and CFA Luckie's manual inspection of MAHONEY's Samsung phone two videos were observed during the period MAHONEY was in Sam Ramon visiting MV. The following information was associated with the videos:

File: 20170904_134014.mp4

Date: September 4, 2017 1:40 PM

Size: 152.21 MB

Path: /Internal storage/DCIM/Camera

Description: This video is 1:13 minutes in duration and depicts MV fully nude lying on her back and a male's hand can be seen pushing MV's legs up toward her chest. MV and the male are engaged in sexual intercourse. The camera then zooms in to a close up of MV's vagina and an erect penis repeatedly rubbing and then penetrating MV's vagina. The male's thigh and hairy stomach can be observed in the video.

File: 20170902_201325.mp4

Date: September 2, 2017 8:13 PM

Size: 207.28 MB

Path: /Internal storage/DCIM/Camera


Description: This video is 1:40 minutes in duration and depicts MV performing oral sex on an adult male's erect penis.

33. In addition to the videos recorded in person, MV disclosed during her forensic interview that MAHONEY asked her to send him pictures of her "pussy." During the manual inspection of MAHONEY's Samsung cell phone, CFA Luckie discovered multiple screenshot captures and images depicting MV nude and in various sexually exploitive positions. Additionally, SA McFarland compared the images discovered in MAHONEY's Samsung cellphone media gallery to the contraband images reported by Facebook and determined many of the images on MAHONEY's cellphone were identical to the files reported in Cyber Report 25163217. MV also disclosed masturbating for MAHONEY when they would live video chat via Facebook. MV confirmed MAHONEY sent her the videos of them having sexual intercourse via Facebook. MV confirmed sending MAHONEY several photos of herself via Facebook.

34. On November 9, 2017, Inspector Holcombe identified an address associated with MAHONEY located at 10640 SE 16th Street, Bellevue, Washington. Inspector Holcombe sent MV's mother a picture of the apartment complex and MV confirmed that was the apartment in Bellevue where she and MAHONEY had sexual intercourse.

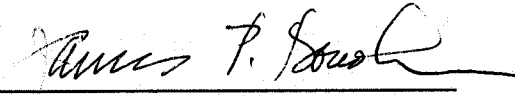
III. CONCLUSION

35. Based on the above facts, I respectfully submit that there is probable cause to believe that THOMAS MAHONEY did knowingly and intentionally possess child pornography, in violation of Title 18, United States Code, Section 2252(a)(4)(B); produced child pornography in violation of Title 18 United States Code 2251(a); and Traveled with Intent to Engage in Sexual Acts with a Minor, in violation of Title 18, United States Code, Section 2423(b).


 JAYME MCFARLAND, Complainant
 Special Agent,
 Homeland Security Investigations

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offenses set forth in the Complaint.

DATED this 23rd day of March, 2018.


 JAMES P. DONOHUE
 United States Magistrate Judge